

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) MAVF, LLC 111 GUN SHOP 9301 HURSTBOURNE PARK BLVD NO. 104 NO. 104 LOUISVILLE, KY 40220, JEFFERSON		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775045-2016-0159-B1B		
		3. PERMIT/LICENSE NUMBER 461111016E03871	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 09/30/2016		

6. ATF OFFICER(S) ASSIGNED	
(b) (6)	Lead Investigator
(b) (6)	- Assigned Investigator
(b) (6)	- Assigned Investigator
(b) (6)	- Assigned Investigator
(b) (6)	- Assigned Investigator
(b) (6)	- Assigned Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b) (6) Area Supervisor, 02/16/2016	
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8. PURPOSE/SPECIAL INSTRUCTIONS W/C held on 10/14/14. Recall UI opened 02/16/2016. Conduct a full recall inspection by the end of FY 2016.	
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9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	12	NO. OF REFERRALS	1	2111 - PER DIEM	
NO. OF TECS CHECKS	104	NO. OF TECS HITS		2112 - P.O.A.	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR	
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES	
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.	

11. ATF OFFICER'S RECOMMENDATION	
Submitted by (b) (6) Senior Industry Operations Investigator	
Submitted on: 09/28/2016	
On 8/16/2016, Senior Industry Operations Investigator (b) (6) commenced a compliance inspection at the business premises of MAVF, LLC d/b/a 111 Gun Shop. See narrative report for full details.	
Licensee was cited with 12 violations of the Gun Control Act, all of which were repeat violations that would require a warning conference. The licensee has been the subject of (b) (6) IO led warning conferences (2012 and 2014), and compliance is still lacking. Such continued non-compliance can be construed as (b) (6) willful violation of the Gun Control Act.	
Recommend revocation of the Federal firearms license.	
Viols and Revocation / Denial of Renewal App	

12. TIME ACCOUNTING DATA	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)
FEB 2016	4.00
AUG 2016	112.00
SEP 2016	92.00
OCT 2016	3.00
JAN 2017	26.00
FEB 2017	44.00
ATF OFFICER'S SUBTOTAL	281.00
ATF OFFICER'S SIGNATURE	

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12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
FEB 2017	8.00	
ATF OFFICER'S SUBTOTAL	8.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
AUG 2016	27.00	
ATF OFFICER'S SUBTOTAL	27.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
AUG 2016	21.00	
ATF OFFICER'S SUBTOTAL	21.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
AUG 2016	36.00	
ATF OFFICER'S SUBTOTAL	36.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	373.00	

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

A firearms recall inspection was completed on 9/28/2016 and resulted in a ROV for 12 violations. Revocation is recommended due to a stand-alone violation as well as repeat violations that were also cited during the 2012 and 2014 inspections. Both the 2012 and 2014 inspections resulted in an alternate recommendation of DIO warning conference in lieu of revocation. All 12 violations cited during this inspection were cited in the 2014 inspection.

The stand-alone violation cited in this inspection that calls for revocation is violation #1, 27 CFR 478.99(c). Transfer of a firearm to an individual with reasonable cause to believe the individual was prohibited. This violation was also cited in the 2012 and 2014 inspection.

Violation #3, 27 CFR 478.99(a) stance of transferring a receiver to an out of state resident. This violation would ordinarily result in a warning conference. However, since this is a repeat violation cited in 2014 and a warning conference was held, this violation calls for revocation.

Violation #4, 27 CFR 478.126a. Failure stances to report a multiple sale of handguns. This violation would ordinarily result in warning conference. However, since this is a repeat violation cited in 2012 and 2014 and a warning conference was held, this violation calls for revocation.

FFL Revoked 10/16/2017. Final PII sent to the FFLC on 10/30/2017.

Viols and Revocation / Denial of Renewal App

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b) (6) Area Supervisor	REVIEW DATE 10/13/2016
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	3. PERMIT/LICENSE NUMBER 461111016E03871	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

The licensee has been licensed since May of 2010, and at that time an Acknowledgment of Federal Regulations was completed with Ms. Shafer aka Ms. Van Fleet. (At that time she was located in Indiana, 4-35-03806) A firearms recall inspection was completed on September 28, 2016, which resulted in 12 violations. Two previous inspections, in 2012 and 2014, resulted in a recommendation of DIO warning conference in lieu of revocation. All 12 violations cited during this inspection were repeat violations from the 2014 inspection and 9 violations were multiple repeats from the 2012 inspection.

The current inspection yielded a violation of 27 CFR 478.99(c). The licensee transferred of a firearm to an individual with reasonable cause to believe the individual was prohibited. This violation was also cited in the 2012 and 2014 inspections. In this case, a purchaser answered "yes" to question 11i. The purchaser asked the licensee if she could purchase a firearm with a previous criminal history. The seller stated that it would be determined by NICS. This transaction resulted in a Delay/Denial in which a Special Agent was required to retrieve the firearm that was transferred to a prohibited person. The licensee was cited for 27 CFR 478.99(a). In one instance, the licensee transferred a receiver to an out of state resident. This is a repeat violation cited in 2014. The licensee failed file a Report of Multiple Sale or Other Disposition of Pistols and Revolvers in two instances, a violation of 27 CFR 478.126a. This is a repeat violation cited in 2012 and 2014.

Additionally, on April 26, 2011, a driver drove a vehicle into 111 Gunshop's window (at the previous location) and firearms were stolen from inventory. On July 28, 2016, 111 Gunshop was again had a vehicle driven through a storefront window, resulting in firearms being stolen. Throughout the course of the current inspection, the licensee, including the responsible person and the employees displayed plain indifference to the requirements of the Gun Control Act. The licensee had a significant amount of violations that have been repeated multiple times. When reconciling inventory, the Responsible Person stated that some discrepancies were from the inspection conducted in 2012. The Responsible Person, as well as employees, hindered the completion of the inspection by being unavailable at times and arriving to the business premises significantly later than planned. The Store Manager, intentionally misled the lead IOI and hindered the inspection by lying about existence of firearms as well as denying access to storage rooms where the firearms were stored.

The lead IOI and Area Supervisor recommend revocation. DIO concurs.

Viols and Revocation / Denial of Renewal App

☒ REVIEWED ☒ CONCUR ☐ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE (b) (6) DIO	REVIEW DATE 10/19/2016
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ROUTING SEQUENCE AND DATE

- ☐ 1. _____
- ☐ 2. _____
- ☐ 3. _____
- ☐ 4. _____

CONTROL FILE POSTED DATE _____

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor MAVF, LLC 111 GUN SHOP	Street Address 9301 HURSTBOURNE PARK BLVD NO. 1	City LOUISVILLE	State KY	Zip Code 40220-	County JEFFERSON	Page 1 of 9 Pages
License/Permit/Registry Number (If any) 461111019E03871		Expiration Date 5/1/2019		Date(s) or Period of Inspection 08/16/2016 through 09/28/2016		

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 1

Nature of Violation:

Licensee transferred a firearm to an individual with reasonable cause to believe the individual was prohibited from receiving firearms.

(b)(3)-Public Law 112-55 (125 Stat. 552)

ance, a purchaser answered “yes” to item #11f, which reads “Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?”

(b)(3)-Public Law 112-55 (125 Stat. 552)

(b)(3)-Public Law 112-55 (125 Stat. 552)

stances, a purchaser answered “yes” to item #11i, which reads “Have you ever been convicted in any court of a misdemeanor crime of domestic violence?”

(b)(3)-Public Law 112-55 (125 Stat. 552)

A NICS response of denied was received for

(b)(3)-Public Law 112-55 (125 Stat. 552)

9 days later.

Citation: 27 CFR 478.99(c)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

In the future, licensee will not proceed with the transaction in instances where the purchaser answers “no” to item 11a or “yes to items 11b – 11i.

Number: 2

Nature of Violation:

Failure to conduct a NICS check prior to the transfer of a firearm.

(b)(3)-Public Law 112-55 (125 Stat. 552)

stances, licensee accepted a permit that did not qualify as an exception to NICS.

(b)(3)-Public Law 112-55 (125 Stat. 552)

Citation: 27 CFR 478.102(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

In the future, licensee will ensure that only permits that meet the requirements as an exception to the NICS check are accepted. For transactions requiring a NICS check, licensee will ensure that the check is conducted prior to transfer of the firearm.

April 9 Production

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ATF E-Form 5030 5

Revised April 2005

Report of Violations

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Name of Proprietor MAVF, LLC 111 GUN SHOP	Street Address 9301 HURSTBOURNE PARK BLVD NO. 1	City LOUISVILLE	State KY	Zip Code 40220-	County JEFFERSON	Page 2 of 9 Pages
License/Permit/Registry Number <i>(If any)</i> 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 3

Nature of Violation:

Licensee transferred a receiver to an individual who was not a resident of the state of Kentucky.

- In **§ 5337 Public Law 112-55** stance, licensee transferred a receiver to a resident of South Carolina. Licensee accepted non-qualifying military orders as proof of Kentucky residency.

Citation: 27 CFR 478.99(a)

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken: *(If not corrected immediately)* In the future, licensee will ensure that receivers are only transferred to residents of Kentucky. If a non-resident wishes to purchase a receiver, licensee will ensure the firearm is shipped to a licensee in the individual’s state of residence.

Report of Violations

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License/Permit/Registry Number <i>(If any)</i> 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 4

Nature of Violation:

Failure to properly file and maintain ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, when transferring 2 or more firearms to the same non-licensee within 5 business days.

- I ^{(b)(3)-Public Law 112-55, 125 Stat. 552}stances, licensee failed to file ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers.

- I ^{(b)(3)-Public Law 112-55, 125 Stat. 552}stances, licensee failed to attach a copy of ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers to the applicable ATF Form 4473.

Date Corrections to be Made: 09/19/2016
(If not corrected immediately)

Corrective Action to be Taken: Licensee will forward the ^{(b)(3)-Public Law 112-55, 125 Stat. 552} TF Forms 3310.4 and will attach a copy to the applicable ATF Forms 4473. In addition, licensee will file previously completed and submitted ATF Forms 4473 in the file boxes with the ATF Forms 4473. The Forms 3310.4 will be separated by month and year, placed in a separate file folder and filed in the front of the applicable box of ATF Forms 4473. From 9/1/2016 forward, all ATF Forms 3310.4 will be submitted to ATF and the local law enforcement agency by close of business on the day the multiple sale occurs, with a copy stapled to the applicable ATF Form 4473.

Citation: 27 CFR 478.126a

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number <i>(If any)</i> 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 5

Nature of Violation:

Failure to ensure complete and accurate entries to the electronic A&D Record Book

(b)(3)-Public Law 112-55, Title 5, Part 232

(b)(3)-Public

- In 1 instances, the disposition of a firearm was not recorded

(b)(3)-Public

- In 1 instances, the acquisition of a firearm was not recorded

(b)(3)-Public

- In 1 instance, a same day gunsmithing transaction was recorded as an acquisition when the firearm was returned to the customer

(b)(3)-Public Law 112-55, Title 5, Part 232

- In 1 instances, duplicate acquisition entries were recorded

(b)(3)-Public

- In 1 instances, the acquisition date was incorrect

(b)(3)-Public Law 112-55, Title 5, Part 232

- In 1 instances, the type of firearm was incorrect

(b)(3)-Public

- In 1 instances, the serial number was incorrect

(b)(3)-Public

- In 1 instances, the caliber was incorrect

(b)(3)-Public Law 112-55, Title 5, Part 232

- In 1 instances, the name and address of the supplier were incorrect

(b)(3)-Public

- In 1 instances, the name of the transferee was incorrect

(b)(3)-Public

- In 1 instances, the address of the transferee was incorrect

Date Corrections to be Made: 09/28/2016

(If not corrected immediately)

Corrective Action to be Taken: Licensee will make the required corrections and will ensure all future A&D Record Book entries are made timely, accurately and correctly.

(If not corrected immediately)

Citation: 27 CFR 478.125(e)

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U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number (If any) 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 6

Nature of Violation:
Licensee failed to obtain a complete and accurate ATF Form 4473.

112-65

125

562

- instances, the purchaser answered “no” to item #11a.

- instances, the type of firearm was not indicated in item #18.

- instances, the type of firearm was incorrect in item #18.

- instances, the signature was not recorded in item #24.

- instances, the date was not recorded in item #25.

- instances, the number of firearms transferred was not recorded in item #30a.

- instances, the number of firearms transferred was incorrect in item #30a.

- instances, the name and address of the licensee was not recorded in item #31.

- instances, the license number was not recorded in Item #32.

- instances, the printed name of the transferor was not recorded in item #33.

- instances, the title of the transferor was not recorded in item #35.

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

In the future, licensee will ensure that all ATF Forms 4473 are fully and accurately completed. Licensee will be more diligent in reviewing ATF Forms 4473 for accuracy prior to transfer of the firearm, with all necessary corrections initialed and dated.

April 9 Production

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ATF E-Form 5030 5
Revised April 2005

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number (If any) 461111019E03871	Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016
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Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 7

Nature of Violation:
Failure to ensure purchasers properly completed Section A of ATF Form 4473.
- instance, the street address was incomplete in item #2
- instance, the incorrect state was recorded in item #2
- instances, the county was abbreviated in item #2
- instances, the county was not recorded in item #2
- instances, the state was not recorded in item #3
- instance, item #11b was blank
- instance, item #11c was blank
- instance, item #11d was blank
- instance, item #11e was blank
- instance, item #11f was blank
- instance, item #11j was blank
- instance, item #11k was blank
- instances, item #11l was blank
- instance, the state was not recorded in item #13
- instances, the date was incorrect in item #17
- instances, the date was not recorded in item #17
- instance, someone other than the purchaser completed corrections in Section A

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

In the future, licensee will ensure that all ATF Forms 4473 are reviewed for completeness and accuracy prior to transfer of the firearm. Any corrections will be initialed and dated, with only the purchaser providing corrections to items in Section A.

Citation: 27 CFR 478.124(c)(1)

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Revised April 2005

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Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

In the future, licensee will ensure that the type, number and expiration date of the identification document are recorded in item #20a. In addition, if the purchaser provides a government issued identification document that does not contain the residence address recorded in item #2, licensee will require the purchaser to provide another government issued document that shows the purchaser resides at the residence address listed in item #2.

- In 13 instances, the identification number was not recorded in item #20a.
- In 12 instances, the expiration date of the identification document was not recorded in item #20a.
- In 13 instances, licensee failed to obtain and note documentation in item #20b when the purchaser provided an identification document that did not contain the residence address recorded in item #2.

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

In the future, licensee will ensure that all NICS information is accurately recorded in Section B of ATF Form 4473.

stances, the date was incorrect in item #21a
stances, the date was not recorded in item #21a
stances, the transaction number was incorrect in item #21b
stances, the initial response was not recorded in item #21c
stances, the date of response was not recorded in item #21d
stances, the response was recorded as cancelled in item #21d. In these instances, it was the customer who cancelled the sale.

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License/Permit/Registry Number (If any) 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Citation: 27 CFR 478.124(c)(3)(iv)

Number: 10

Nature of Violation:

Licensee failed to properly complete Section D of ATF Form 4473.

- instances, the serial number was incorrect in item #28.
- stance, the type of firearm was incorrect in item #29.

Citation: 27 CFR 478.124(c)(4)

Number: 11

Nature of Violation:

Failure to properly complete section D of ATF Form 4473.

- instances, the signature was not recorded in item #34.
- instances, the date of transfer was not recorded in item #36.
- instances, the date of transfer was incorrect in item #36

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made: 09/19/2016

(If not corrected immediately)

Corrective Action to be Taken: Licensee will correct photocopies of the applicable forms, initialing and dating all corrections. Licensee will attach the corrected photocopies to the applicable ATF Forms 4473. In the future, licensee will ensure that all firearm information is recorded on ATF Form 4473 is complete and accurate.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken: In the future, licensee will ensure that all ATF Forms 4473 are fully and accurately completed.

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number <i>(If any)</i> 461111019E03871	Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016
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Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 12

Nature of Violation:
Failure to record on ATF Form 4473 the number of the qualifying permit.
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5/13/2016
Law 11255
1125 Stat

 tances, the number of the qualifying permit was not recorded in item #23.

Citation: 27 CFR 478.131(a)(2)

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

Licensee will ensure the number of the qualifying permit is recorded for all future transactions where the purchaser furnishes a permit that qualifies as an exception to the NICS check.

I Have Received a Copy of This Report of Violations <i>(Proprietor's signature and title)</i>	Date
Signature and Title of ATF Officer	Date

April 9 Production

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ATF E-Form 5030 5
Revised April 2005

Notice to Revoke or Suspend License and/or
Impose a Civil Fine

In the matter of License Number 4-61-111-01-9E-03871, as a/an dealer in firearms other than destructive devices

issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code)

MAVE, LLC doing business as 111 Gun Shop
9301 Hurstbourne Park Boulevard
Louisville, Kentucky 40220

Notice Is Hereby Given That:

Pursuant to the statutory provisions and reasons stated in the attached page(s), the Director or his/her designee, Bureau of Alcohol, Tobacco, Firearms and Explosives, intends to take action on the license described above.

☒ The above identified license may be revoked pursuant to 18 U.S.C. 922(e), 922(g)(3) or 924(d).

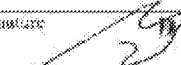
☐ The above identified license may be suspended pursuant to 18 U.S.C. 922(f) (5) or 924(p).

☐ The above identified licensee may be fined pursuant to 18 U.S.C. 922(i) (5) or 924(p).

Pursuant to U.S.C. 923(a)(2) and/or 922(f)(5), you may file a request with the Director, Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, at 500 U.S. Martin Luther King Jr. Plaza, Suite 500, Louisville, KY 40202, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR § 478.

If you do not request a hearing, or your request for a hearing is not received by ATF on time, a final notice of revocation, suspension, and/or imposition of civil fine (ATF Form 5300.13) shall be issued.

☒ Please see enclosed brochure

Date	Name and Title of Licensee of Alcohol, Tobacco, Firearms and Explosives Official	Signature
11/18/2016	Adam Rogers, Director, Industry Operations	

certify that on the date shown below, I served the above notice on the person identified below by:

☒ Certified mail to the address shown below. Tracking Number: 7013762800133937868 or ☐ delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
Print Name and Title of Person Served		Signature of Person Served

Address Where Notice Served

ATF Form 4500, Notice of Revocation of License

MAVF, LLC doing business as 111 Gun Shop

9301 Hurstbourne Park Boulevard

Louisville, Kentucky 40220

4-61-111-01-9E-03871

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Louisville Field Division, has reason to believe that MAVF, LLC doing business as 111 Gun Shop ("Licensee"), 9301 Hurstbourne Park Boulevard, Louisville, Kentucky 40220, 4-61-111-01-9E-03871, a Dealer in Firearms Other than Destructive Devices, willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

Compliance History

ATF issued a Federal firearms license to the Licensee following a qualification inspection conducted in 2010. ATF conducted compliance inspections of the Licensee in 2012 and 2014. Following the 2012 and 2014 inspections ATF issued Reports of Violations to the Licensee and the Licensee attended warning conferences with the Director of Industry Operations, Louisville Field Division. Following each warning conference, ATF sent the Licensee a letter advising that "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license."

Current Inspection

On August 16, 2016, ATF Industry Operations Investigator (b) (6) commenced a compliance inspection of the Licensee's premises that covered the period August 16, 2015 through August 16, 2016. The inspection revealed the following:

Violations

Transfer in Violation of Law

1. The Licensee, by and through its agents and employees, willfully sold or delivered a firearm (b) (3)-Public Law 112-55 (125 Stat. 552) to persons the Licensee knew or had reasonable cause to believe were subject to a Federal firearms disability, in violation of 18 U.S.C. § 922(d)(1) and 27 C.F.R. § 478.99(c)(1). See Appendix A, § 1.
2. The Licensee, by and through its agents and employees, willfully sold or delivered a firearm other than a rifle or shotgun (b) (3)-Public Law 112-55 (125 Stat. 552) on occasion to a resident of a State other than the one in which the Licensee's place of business is located, in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a). See Appendix A, § 2.

Background Check Violation

3. The Licensee, by and through its agents and employees, willfully transferred a firearm to unlicensed persons ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} occasions without conducting a background check, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix A, § 3.

Failure to Report Multiple Sales

4. The Licensee, by and through its agents and employees, willfully failed to timely and accurately report the sale or other disposition ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} or more pistols and/or revolvers to an unlicensed person ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} occasions, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. See Appendix A, § 4.

Acquisition and Disposition Record Violations

5. The Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the acquisition ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, § 5.
6. The Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the disposition ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, § 6.

ATF Form 4473 Violations

7. The Licensee, by and through its agents and employees, willfully failed to obtain/execute Form 4473 as indicated by the headings of the form and the instructions on or pertaining to the form ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} occasions in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21. See Appendix A, § 7.
8. The Licensee, by and through its agents and employees, willfully failed to obtain a Form 4473 from the transferee prior to making an over-the-counter transfer of a firearm to a nonlicensee ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix A, § 8.
9. The Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without verifying the identification document presented and noting on the Form 4473 the type of identification used ^{(b)(3)-Public Law 112-55 (125 Stat. 552)} occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i). See Appendix A, § 9.

10. The Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without recording required NICS information on the Form 4473 (b)(3)- Public Law 112-55 (125 Stat. 552) occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix A, § 10.
11. The Licensee, by and through its agents and employees, willfully failed to accurately identify the firearm to be transferred on Form 4473 (b)(3)- Public Law 112-55 (125 Stat. 552) occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4). See Appendix A, § 11.

Appendix A

1.

Transferee	Date	Firearm
------------	------	---------

(b)(3)- Public Law 112-55 (125 Stat. 552)

2.

Transferee	Date	Firearm
------------	------	---------

(b)(3)- Public Law 112-55 (125 Stat. 552)

3.

Transferee	Date	Firearm
------------	------	---------

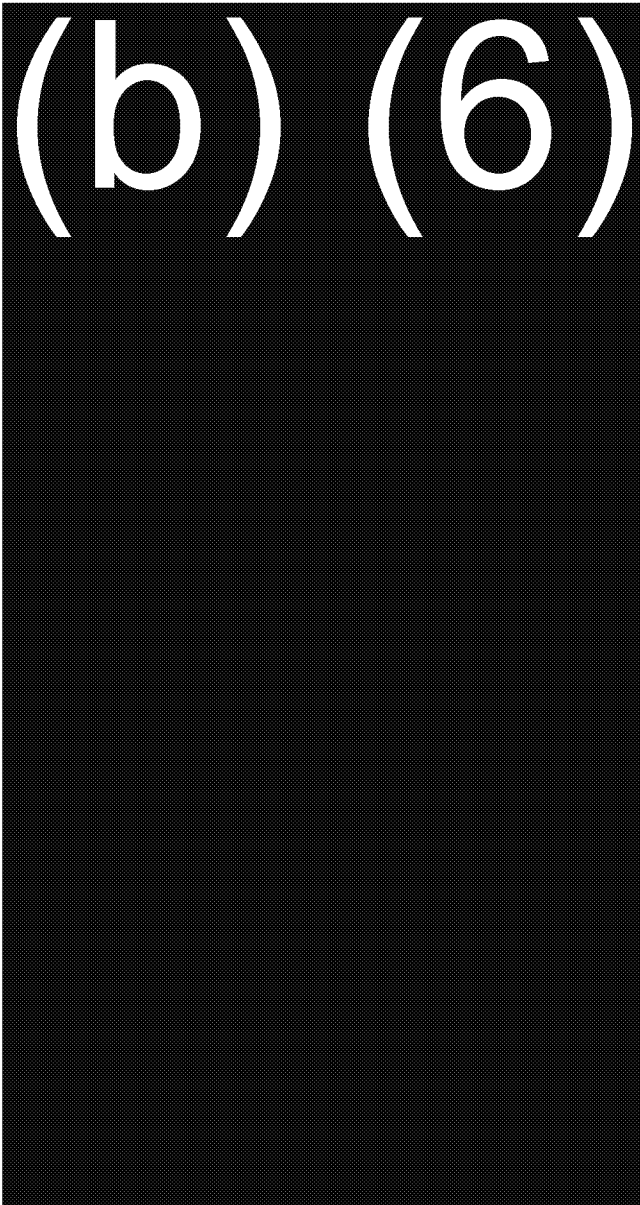
(b)(3)- Public Law 112-55 (125 Stat. 552)

4.

Transferee	Date(s)
------------	---------

(b) (6)

(b) (6)



5.

Firearm Description

Discrepancy

(b)(3)- Public Law 112-55 (125 Stat. 552)



(b)(3)- Public Law 112-55 (125 Stat. 552)



(b)(3)- Public Law 112-55 (125 Stat. 552)

A large black rectangular redaction box covering the upper portion of the document.

6.

Firearm Description

Discrepancy

(b)(3)- Public Law 112-55 (125 Stat. 552)

A large black rectangular redaction box covering the majority of the lower portion of the document.

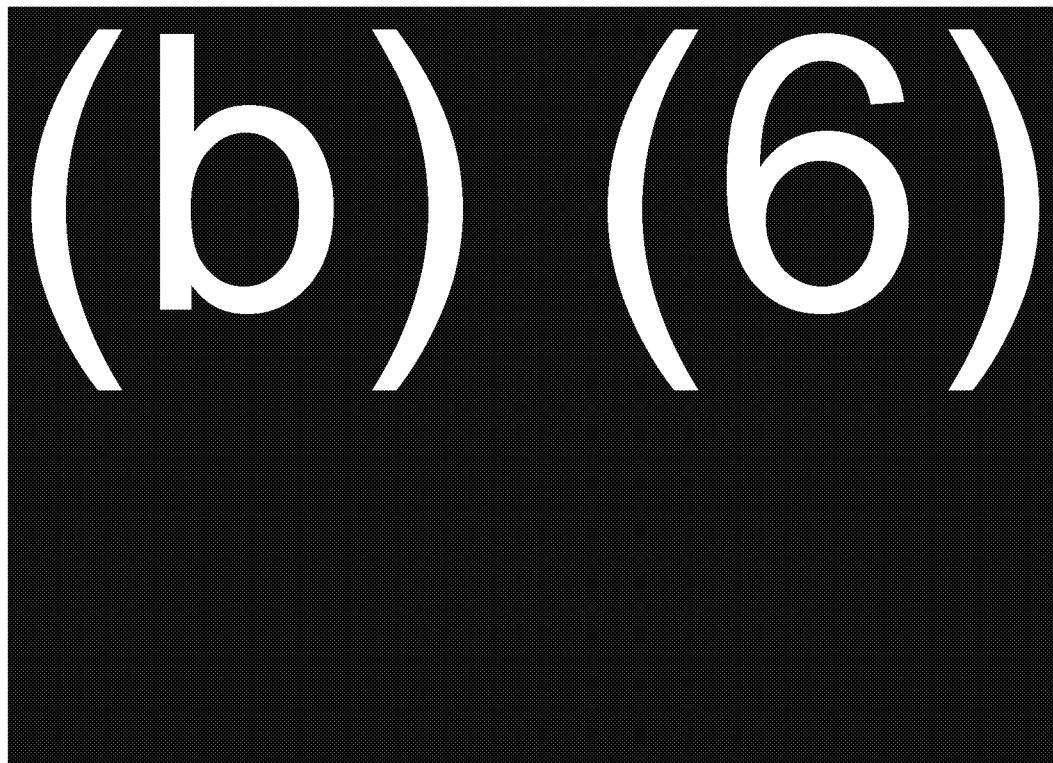
(b)(3)- Public Law 112-55 (125 Stat. 552)



7.

<u>Transferee</u>	<u>Date</u>	<u>Discrepancy</u>
-------------------	-------------	--------------------

(b)	(6)	
-----	-----	--



(b) (6)

8.

Transferee

Date

Discrepancy

(b) (6)

(b) (6)

9.

Transferee

Date

Discrepancy

(b) (6)

10.

Transferee

Date

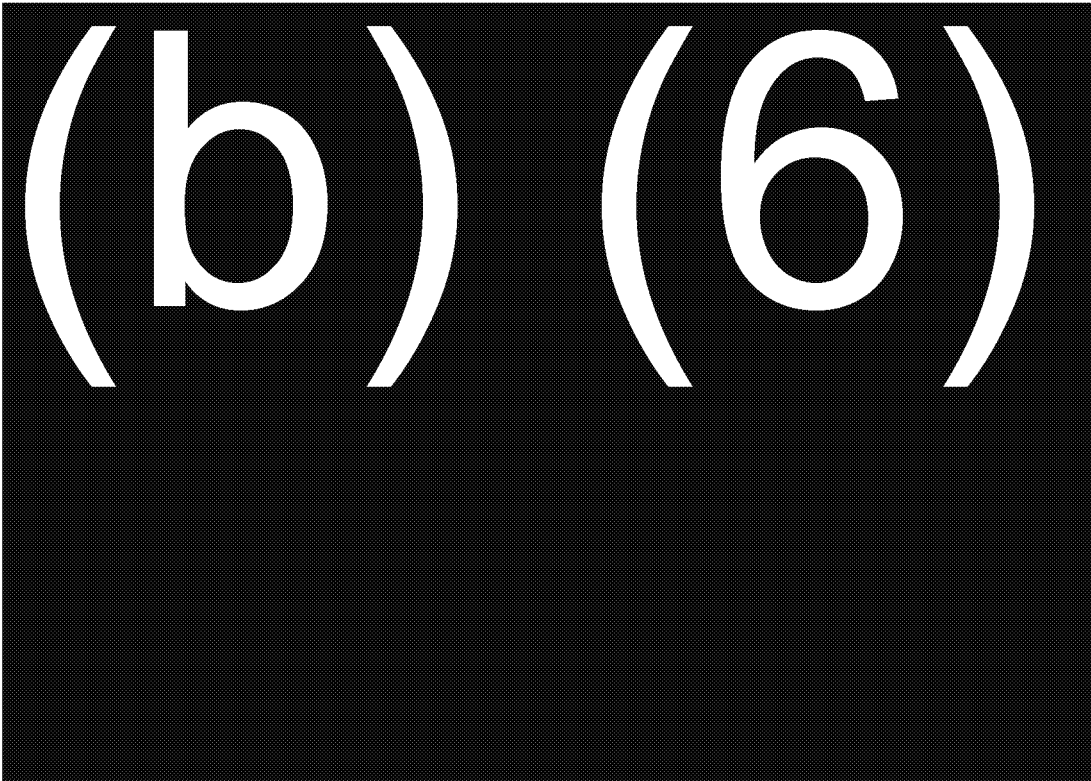
Discrepancy

(b) (6)

(b) (6)

11.

<u>Transferee</u>	<u>Date</u>	<u>Discrepancy</u>
-------------------	-------------	--------------------



EXPLANATION OF THE HEARING PROCESS



Hearings

A determination has been made to deny your original or renewal application for a Federal firearms license or to revoke your existing Federal firearms license.

As indicated on the enclosed form, you have the right to request a hearing. This brochure provides general guidance and an overview of the hearing process for industry members that may assist you in making a decision to request a hearing, and to appropriately prepare for a hearing should you request one.

Background

The Gun Control Act of 1968 and its implementing regulations specify certain licensing requirements for those intending to engage in a firearms business.

ATF is authorized to deny a license when an inspection reveals the applicant is not qualified to receive or not qualified to continue to hold the license. ATF may also revoke a license when it is determined that a

current licensee is no longer eligible to continue licensed operations.

Your Rights

ATF has made one of the above determinations in your case, issuing you either a Notice of Denial or a Notice of Revocation of License. You have the right to request a hearing to review the proposed denial or revocation action found in the notice you received. This is done by submitting written notification to the Director, Industry Operations (DIO) who issued your Notice. Timeliness is important. *You only have 15 days from your receipt of the Notice to request a hearing.*

Although you may hire an attorney, it is not required, although it may be in your interest to do so. That is your option.

Hearing Overview

If you submit a letter requesting a hearing to the DIO in time, the DIO or his/her representative will begin to make arrangements for the hearing. The date and time of the hearing will be set by ATF, but you will be consulted as to your availability. ATF will also notify you of the location of the hearing, taking into consideration convenience to you and the availability of government office space that is close to you to conduct the hearing. Once the date, time, and place are set, you will be notified in writing (via certified mail, return receipt requested).

NOTE: Under no circumstances will you, your representative, or witnesses be permitted to bring firearms or any other

EXPLANATION OF THE HEARING PROCESS

weapons to the hearing. The hearing will not begin, or will cease, if it is determined this policy has been violated.

ATF field division in which your licensed business is located.

Conduct of the Hearing

The hearing is generally scheduled not later than 90 days from the date of the letter notifying you of the date, time, and location of the hearing. There are, however, limited circumstances that may require the hearing to be rescheduled for good cause, as determined by the DIO.

The hearing itself is informal in nature, and adherence to civil court rules and procedures is not required. There is no sworn testimony and formal courtroom procedures are not required. The hearing is recorded via audiotape recorder. The resulting tape, along with exhibits presented at the hearing, constitutes the official record of the hearing.

ATF does not videotape the hearing proceedings and you will not be allowed to videotape the hearing. You may make an audiotape recording of the proceedings, or have the proceedings recorded by a stenographer at your own expense, provided this recording is not disruptive to the proceedings. However, the ATF recording of the hearing is the official record of the proceeding.

Hearing Officer

The hearing officer is designated by ATF. The selection of the hearing officer is dependent upon a number of factors, including the nature of your case. A hearing officer will be selected who has no prior knowledge of your case and has had no interactions with you or your licensed operations. In most cases, the assigned hearing officer will come from outside the

The hearing officer will ensure the proceedings are conducted in an orderly and professional manner. The purpose of the hearing is to allow both parties to fully present all relevant evidence and arguments regarding the denial or revocation of a license or permit. Most hearings require less than a single day to complete.

The government will be represented by an attorney and will present its evidence first. The government will generally call as a witness the ATF industry operations investigator(s) who conducted your application or compliance inspection, or other ATF employees who have relevant information concerning your case.

At the conclusion of the government's presentation, you will have the opportunity to respond. Make sure you state your case as clearly and factually as possible. The case you present will receive the same consideration by the hearing officer as the government's case. Be willing and prepared to address each violation described in the Notice you received. You may call witnesses. Your witnesses should be able to speak to the findings in the Notice, and may be, for example, the store manager, an employee, bookkeeper, or clerk. You may also present relevant evidence. Relevant evidence is evidence which tends to prove or disprove an issue at the hearing, such as whether the alleged violation occurred as stated in the Government's Notice of Denial or Revocation.

EXPLANATION OF THE HEARING PROCESS

Both parties have the right to question all witnesses. The party calling a witness shall have the right to re-direct examination of the witness. You should need no legal training to state your case. The most important consideration is that both parties – you and the government – are given a chance to fully explain the findings and violations disclosed during the application inspection or compliance inspection.

When the hearing officer is satisfied all evidence and arguments have been fully presented by the parties, the hearing officer will advise you that the DIO will make a decision in the matter and will notify you of the final decision in writing.

If, after review of the entire record, you failed to satisfy licensing requirements, or willful violations are found, the DIO may issue a final notice of denial or revocation, which will be sent to you via certified mail.

If you are not satisfied with the final decision of the DIO, you may appeal the decision to Federal district court within 60 days. The hearing proceedings may become part of the review.

Following completion of the hearing, the hearing officer prepares a factual report summarizing the proceedings. This report will be forwarded to the DIO, who makes the denial or revocation decision for ATF.

A license may be denied based on your failure to satisfy licensing requirements, or based on past willful violations.

Generally speaking, ATF will cite willful violations as the basis for revocation cases. Willful violations are those violations meeting the statutory requirement for denial or revocation. "Willfulness," as defined by the courts means the purposeful disregard of a known legal duty, or plain indifference to a licensee's legal obligation. ATF is not required to prove you *intended* to violate the law, only that you knew your legal obligation as a licensee, and you purposefully disregarded this obligation or were plainly indifferent to your obligation.

EXPLANATION OF THE HEARING PROCESS

If you have any questions concerning the hearing process, please contact the DIO for the ATF division in which you are located.

Miami, FL
Nashville, TN
New Orleans, LA
New York, NY
Newark, NJ

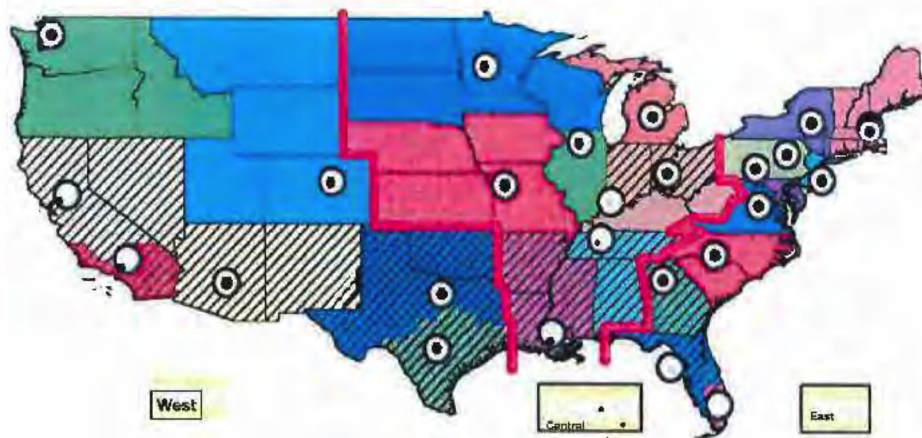
Atlanta, GA
Baltimore, MD
Boston, MA
Charlotte, NC
Chicago, IL
Columbus, OH
Dallas, TX
Denver, CO
Detroit, MI
Houston, TX
Kansas City, MO
Los Angeles, CA
Louisville, KY

(404) 417-2600
(617) 963-2003
(617) 557-2203
(708) 719-5805
(312) 845-7200
(614) 827-6500
(469) 227-4500
(303) 575-7300
(313) 302-3400
(281) 716-6200
(816) 559-0200
(813) 259-2500
(502) 753-3400

Philadelphia, PA
Phoenix, AZ
San Francisco, CA
Seattle, WA
St. Paul, MN
Tampa, FL
Washington, DC

(305) 597-4800
(615) 565-1400
(504) 841-7000
(646) 335-9000
(973) 412-1179
(215) 446-7800
(602) 776-5400
(975) 557-2800
(206) 204-3205
(651) 726-0200
(813) 202-730
(202) 648-8020

ATF Field Divisions



Industry Operations Regions

North (No Hatching)

South (Hatching)

ATF Field Divisions

Atlanta
Baltimore
Boston
Charlotte
Chicago
Columbus

Dallas
Denver
Detroit
Houston
Kansas City
Los Angeles
Louisville
Miami
Nashville
New Orleans

New York
Phoenix
Portland
San Francisco
Seattle
Tampa
Washington

Final Notice of Denial of Application, Revocation Suspension and/or Fine of Firearms License

In the matter of:

- ☐ The application for license as a/an _____, filed by:
or
- ☒ License Number 4-61-111-01-9E-03871 as a/an
dealer in firearms other than destructive devices _____, issued to:

Name and Address of Applicant or Licensee (*Show number, street, city, state and ZIP Code*)
MAVF, LLC d/b/a 111 Gun Shop
9301 Hurstbourne Park Blvd.
Louisville, KY 40220

Notice is Hereby Given That:

- ☐ A request for hearing pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5) was not timely filed. Based on the findings set forth in the attached document, your
- ☐ license described above is revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p), effective:
- ☐ 15 calendar days after receipt of this notice, or ☐ _____,
- ☐ license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- ☐ licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- ☒ After due consideration following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5), and on the basis of findings set out in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your
- ☐ application for license described above is denied, pursuant to 18 U.S.C. 923(d).
- ☐ application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective:
- ☐ 15 calendar days after receipt of this notice, or ☐ _____,
- ☒ license described above is revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p), effective:
- ☒ 15 calendar days after receipt of this notice, or ☐ _____,
- ☐ license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- ☐ licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 600 Dr. MLK Pl, Ste 500, Louisville, KY 40202, prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

Records prescribed under 27 CFR Part 478 for the license described above shall either be delivered to ATF within 30 days of the date the business is required to be discontinued or shall be documented to reflect delivery to a successor. See 18 U.S.C. 923(g)(4) and 27 CFR § 478.127.

After the effective date of a license denial of renewal, revocation, or suspension, you may not lawfully engage in the business of dealing in firearms. Any disposition of your firearms business inventory must comply with all applicable laws and regulations. Your local ATF office is able to assist you in understanding and implementing the options available to lawfully dispose of your firearms business inventory.

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	
04/26/2017	Adam P. Rogers, Director, Industry Operations	<i>[Signature]</i>

I certify that, on the date below, I served the above notice on the person identified below by:

☒ Certified mail to the address shown below.

Tracking Number: 7013 3020 0001 3393 7875

or

☐ Delivering a copy of the notice to the address shown below.

5/17/17	up Super Lowell L	(b) (6)
(b) (6)	SA	(b) (6)
Date Notice Served: 5/16/17	Title of Person Serving Notice: SAC - 930	(b) (6)
(b) (6)		

Background

MAVF, LLC d/b/a 111 Gun Shop at 9301 Hurstbourne Park Blvd, Louisville, KY (hereinafter, Licensee), holds Federal firearms license 34-61-111-01-9E-03871 as a dealer, in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On November 18, 2016, ATF issued a Notice of Revocation of License, ATF Form 4500, to the Licensee. By letter dated December 5, 2016, the Licensee timely requested a hearing to review that Notice.

The hearing was held on February 23, 2017, at the ATF Louisville Field Division. ATF Hearing Officer (b) (6) conducted the hearing. ATF Attorney (b) (6) represented ATF. ATF Industry Operations Investigators (b) (6) and (b) (6) appeared as witnesses on behalf of the Government. ATF Director of Industry Operations Adam Rogers was present for observational purposes only. The Licensee's owner Misty Van Fleet along with her attorney, (b) (6) were present at the hearing on behalf of the license. The hearing was recorded and both the Government and the Licensee offered testimony and exhibits. The testimony and exhibits introduced at the hearing constitute the record in this proceeding.

Findings of Fact

Having reviewed the record in this proceeding, I make the following findings:

1. After an application inspection, Licensee obtained a Federal firearms license in 2010. In 2012, a compliance inspection was conducted and a Report of Violations with 11 regulatory violations was issued. A Warning Conference was also held as a result of that inspection and Licensee was advised of the significance of the findings and the need for compliance in the future.
2. In 2014, ATF conducted a compliance inspection of Licensee, resulting in the issuance of a Report of Violations listing 14 violations, (including seven violations previously cited in the 2012 inspection.) At the conclusion of the inspection, a second Warning Conference was held to address the significance of the violations and remind the Licensee that future violations could result in revocation of the license.
3. Ms. Van Fleet signed Acknowledgments of Federal Firearms Regulations (ATF P 5300.1) in connection with each of the above inspections: 2010, 2012 and 2014.
4. On or about August 16, 2016, ATF Industry Operations Investigators conducted a compliance inspection at Licensee's premise. The violations found during this inspection form the basis for the Notice of Revocation issued on November 18, 2016.
5. The Notice alleged that Licensee willfully committed the following violations:

- a. Licensee, by and through its agents and employees, willfully sold or delivered a firearm to [REDACTED] persons the Licensee knew or had reasonable cause to believe were subject to a Federal firearms disability, in violation of 18 U.S.C. § 922(d)(1) and 27 C.F.R. § 478.99(c)(1).
- b. Licensee, by and through its agents and employees, willfully sold or delivered a firearm other than a rifle or shotgun on [REDACTED] occasion to a resident of a state other than the one in which the Licensee's place of business is located, in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a).
- c. Licensee, by and through its agents and employees, willfully transferred a firearm to unlicensed persons on [REDACTED] occasions without conducting a background check, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102.
- d. Licensee, by and through its agents and employees, willfully failed to timely and accurately report the sale or other disposition of two or more pistols and/or revolvers to an unlicensed person [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a.
- e. Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the acquisition [REDACTED] firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).
- f. Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the disposition [REDACTED] firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).
- g. Licensee, by and through its agents and employees, willfully failed to obtain/execute Form 4473 as indicated by the headings of the form and the instructions on or pertaining to the form [REDACTED] occasions in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21.
- h. Licensee, by and through its agents and employees, willfully failed to obtain a Form 4473 from the transferee prior to making an over-the-counter transfer of a firearm to a nonlicensee or [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).
- i. Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without verifying the identification document presented and noting on the Form 4473 the type of identification used [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i).
- j. Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without recording required NICS information on the Form 4473 [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27

C.F.R. § 478.124(c)(3)(iv).

- k. Licensee, by and through its agents and employees, willfully failed to accurately identify the firearm to be transferred on Form 4473 (b)(3) Prohibited Law 112-55 (125 Stat. 552) occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4).
6. During the hearing, Ms. Van Fleet, in her role as responsible person for Licensee, admitted that the violations detailed in the Notice of Revocation occurred, but argued that such violations were not committed willfully.

After review of the record in this matter, I find that the facts as set forth in the Notice of Revocation occurred.

Conclusions of Law

1. Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if the licensee has willfully violated any provision of the GCA or the regulations issued thereunder. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73.
2. For purposes of the regulatory provisions of the GCA, a “willful” violation is committed when the licensee knows of [his/her/its] legal obligations and purposefully disregarded or was plainly indifferent to those requirements. There is no requirement of bad purpose or evil motive. Armalite v. Lambert, 544 F.3d 644 (6th Cir. 2008), Article II Gun Shop, Inc. v. Gonzales, 441 F.3d 492 (7th Cir. 2006), Appalachian Resources Development Corporation v. McCabe, 387 F.3d 461 (6th Cir. 2004); Procaccio v. Lambert, 223 Fed. App’x. 554 (6th Cir. May 29, 2007); 3 Bridges, Inc. v. O’Neill, 216 F.Supp. 2d 655 (E.D. Ky. 2002).

“Improper recordkeeping is a serious violation. When the Act was enacted, Congress was concerned with the widespread traffic in firearms and with their general availability to those whose possession thereof was contrary to the public interest.” Fin & Feather Sport Shop, Inc. v. U. S. Treasury Dept., 481 F.Supp. 800 (Neb. 1979) (*internal cites omitted*). Therefore, record keeping requirements are a critical basis for the regulation of the firearms industry, and indifference to those requirements can result in revocation. Furthermore, “[a] single willful violation of the GCA is enough to deny a federal firearms license application or revoke a federal firearms dealer’s license.” Shaffer v. Holder, No. 1:09-0030, 2010 WL 1408829, at *10 (M.D. Tenn. Mar. 30, 2010) (citing Appalachian Resources Dev. Corp. v. McCabe, 387 F.3d 461, 464 (6th Cir.2004).)

Arguing that errors were the result of human mistakes or harmless misunderstandings of clearly documented regulatory requirements is irrelevant to the standard of willfulness. “The recordkeeping requirements imposed by the GCA are, by their very nature, highly technical. Compliance therefore requires extreme vigilance.” Garner v. Lambert, 558 F.Supp.2d 794, 804 (N.D. Ohio 2008).

3. For the reasons stated below, I conclude that Licensee's conduct constitutes willful violations.
4. The evidence and testimony presented at the hearing reveals that Licensee understood the requirements concerning transfer in violation of law, recording acquisition and disposition of firearms, conducting background checks, reporting theft/loss of firearms, and proper completion of Form 4473. In this regard, ATF reviewed the applicable laws and regulations with Licensee during the 2010, 2012 and 2014 inspections. Licensee also received a Reports of Violations, Warning Letters and attended in-person Warning Conferences during the period of 2010-2014. In nearly every instance, ATF advised that future violations, repeat or otherwise, could result in revocation.
5. Despite the fact that Licensee understood its responsibilities under the GCA, the evidence reveals that Licensee was plainly indifferent to, or purposefully disregarded the firearms laws and regulations. For example, Licensee admitted that (b)(3)-Public Law 112-51 (125 Stat. 552) firearm transactions took place even after the purchasers admitted to being prohibited from possessing firearms on the Form 4473. Likewise, as to the multiple sale forms that were not submitted, Licensee admitted that this violation was cited at the last inspection, but does not maintain any record of its submissions and therefore cannot support its theory that ATF is to blame for the un-submitted forms. Finally, I note that Government's Exhibit 27 (History of Repeat Violations) documents the consistency with which this Licensee continues to violate regulations.
6. I acknowledge that Licensee had been away from the business premises with health related issues for a significant amount of time and her absence may have contributed to the non-compliant business practices. However, a limited liability company holds this license and Ms. Van Fleet is the sole member of the company and ultimately responsible for the conduct of Licensee. Her physical absence or presence is not a legal factor in the license's conduct. "When an employer is knowledgeable of his employees' repeated failures to comply with federal firearms law, the conduct is directly attributable to the employer." Gladden v. Bangs, No. 2:11CV378, 2012 WL 604027, at *7 (E.D. Va. Feb. 23, 2012), aff'd, 487 F. App'x 105 (4th Cir. 2012).
7. Furthermore, I acknowledge that Licensee has provided a plan to improve compliance and record keeping practices. However, remedial measures taken after the inspection and identification of repeat violations do not negate a finding of willfulness. Evidence that an FFL reformed its business practices *after* an inspection "is not probative as to whether violations observed in that inspection were willful." Willingham Sports v. ATF, 348 F. Supp. 2d 1299, 1311 (S.D. Ala. 2004). Consideration of such evidence would prevent ATF from ever revoking a license because a licensee could overcome the revocation simply by coming into compliance before judicial review. T.T. Salvage Auction v. Secretary, 859 F. Supp. 977 (E.D.N.C. 1994).
8. I find that the Licensee had knowledge of its legal obligations under the Gun Control Act and purposefully disregarded or was plainly indifferent to those requirements. Therefore,

based on the record before me, it is my decision that the license as a dealer in firearms other than destructive devices issued to MAVF be revoked.

Dated this 26th day of April, 2017

A handwritten signature in black ink, appearing to read 'A. Rogers', with a long, sweeping horizontal stroke extending to the right.

Adam Rogers
Director, Industry Operations
Louisville Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United States Department of Justice